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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91175479
Party	Plaintiff Citigroup Inc.
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Submission	Motion to Compel Discovery
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CITIGROUP INC.,

Opposer,

-against-

MCGOWAN COMMUNICATIONS, LLC,

Applicant.

Opposition No. 91175479  
Serial No. 78486089

**OPPOSER'S MOTION TO COMPEL**

Pursuant to Trademark Rules of Practice, Rule 2.120(e), and Rule 37 of the Federal Rules of Civil Procedure, Opposer, Citigroup Inc. ("Opposer" or "Citigroup"), hereby moves to compel applicant, McGowan Communications, LLC ("Applicant" or "McGowan"), to respond to interrogatories and document requests and to produce one or more witnesses pursuant to Opposer's two deposition notices.

On July 5, 2007, Citigroup served interrogatories and document requests on Applicant, and more recently, on December 3, 2008, served on Applicant a 30(b)(6) deposition notice and a deposition notice directed to the individual understood to be its principal, Robert McGowan. The time for Applicant to serve formal responses to either the interrogatories or document requests has long-since expired without any responses and without any extension of time to respond<sup>1</sup>, and Applicant has acknowledged it was unable to produce a witness (or witnesses) on

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<sup>1</sup> Although the parties have had some intermittent settlement discussions, there have been no meaningful discussion in months, and Opposer is unaware of any requests made at any relevant time by Applicant for an extension of the deadline to respond. Because Applicant has served no objections to the written discovery requests, there is no need to rule on any such substantive matter.

the noticed date. As we have explained to Applicant's counsel, Citigroup would, at any rate, require responses to the written discovery requests, and production of any relevant documents, before it could proceed properly with the examination of any witness.

The subject intent-to-use application herein (for Chinese characters translated to mean "Universal Card") was filed on September 20, 2004. Opposer is unaware of any steps at any time taken by Applicant, either before filing or in the more than four ensuing years, to use or attempt to use the subject mark. Nor is Opposer aware of any related business (or indeed any business whatsoever) conducted by Applicant. Opposer thus believes that even if the Applicant did at some time have some intent to use the mark in issue (which itself is hardly clear), it has long since abandoned any such plans, which explains its inability to respond to discovery or to defend this case in any way. Hence, Opposer requests that a time certain be set for Applicant to serve written responses to Applicant's document requests and interrogatories and to produce any and all responsive documents so that this matter can be brought to a resolution.

Mindful that the discovery period closes today, Opposer requests that following the suspension of the discovery times and times for trial herein, Opposer be afforded sufficient time to complete such discovery, and to conduct any follow-up discovery as may be necessary.

Dated: New York, New York  
December 11, 2008

Respectfully Submitted,

WHITE & CASE LLP

By: 

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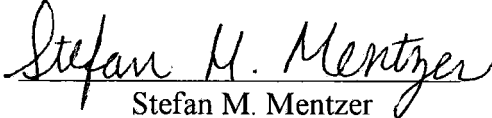
*Attorneys for Opposer Citigroup Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of December 2008, I caused a copy of the foregoing **OPPOSER'S MOTION TO COMPEL** to be served by e-mail and First Class Mail, postage prepaid, upon:

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